S.B. Civil Writ Petition No.3930/02

Shivraj Singh

Vs.

Secretary, Govt. of India & Ors.

Date of Order : 29/05/2006

Hon'ble Mr. Justice Ajay Rastogi

Mr. M.F. Baig, for petitioner
Mr. Anuroop Singhi, for respondents

Instant petition has been filed questioning the validity of order Ann.2 dt.11th February, 2002 whereby the appropriate government has declined to make a reference for adjudication of the dispute raised by the petitioner.

Petitioner was a defence personnel and joined in the Bank as Class IV and thereafter, promoted as Cashier, but because of some legal impediment, his services were dispensed with on 30th August, 2000 which was questioned by the petitioner initially by submitting application before the conciliation officer and on furnishing his failure report, the appropriate government on examining the dispute prima faice on merits declined to make a reference.

During the course of arguments, Counsel for petitioner submitted that if all dues which he is legally entitled for, are paid, he will not pursue and question the validity of order impugned in the present petition. On the said request made by the counsel for petitioner, counsel for respondents was called upon to first identify about the dues which the petitioner is entitled for in relation to service which he has rendered and accordingly, he submitted application pointing out details of dues in Para 4 of reply to

application filed by the petitioner and finally after due adjustment of outstanding loan, the amount of Rs.1,54,974.93 has been arrived at to be finally outstanding dues for payment.

Counsel for petitioner on instruction, submits that if legal dues are paid to him, he has instruction not to pursue this matter any further.

Counsel for respondents also submits that amount determined will be paid immediately without any further loss of time.

In view of settlement which has been arrived at between the parties, the writ petition stands disposed of with the direction that outstanding dues of the petitioner for a sum of Rs.1,54,974.93 shall be paid to him in the name of petitioner by demand draft within a period of two weeks from today and necessary documents be also placed on record. No costs.

[Ajay Rastogi],J.

FRB